REMARKS

In the Office Action, the Examiner allowed claims 8-25, 27-31, and 35-39, and rejected claims 1-4, 6, 7, 26, and 32-34. By this Response, the Applicant hereby amends claims 1, 2, 3, 7, 15, 26, 28, 32, and 33, cancels claim 6, and adds new claims 40-44 to clarify certain features and to expedite allowance of the present application. These amendments and new claims do not add any new matter. In view of the foregoing amendments and following remarks, Applicant respectfully requests allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-4, 6, 7, and 32-34 under U.S.C. § 102(e) as being anticipated by Mass et al. (U.S. Publication No. 20030135246). Applicant respectfully traverses this rejection.

Legal Precedent

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention "*in as complete detail as contained in the ... claim*" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1

Turning to the claims, the amended independent claim 1 recites, *inter alia*, "a *field replaceable* unit configured for operation with a medical device; and a radio frequency (RF) transmission device coupleable to the field replaceable unit and configured to transmit information regarding the field replaceable unit, wherein the field replaceable unit is configured to provide power to the RF transmission device."

The Mass reference does not teach or suggest a "field replaceable unit," as recited by amended claim 1. In contrast, the Mass reference teaches a telemetry module 135 coupled to an implantable device 105 (e.g., a cardiac rhythm management device). *See* Mass, FIG. 5; paragraph [0049]. Clearly, an implantable device 105 is not field replaceable, but rather it requires that the host be operated on in a controlled medical environment (e.g., a hospital) off the field. In other words, it would be improper to treat an implantable device 105 as something that could be replaced out in the field, e.g., in actual use within the host away from a laboratory, hospital, or the like. In view of this deficiency, among others, the Applicant stresses that the Mass reference does not teach or suggest the foregoing claim features.

As a result, the Mass reference cannot anticipate independent claim 1 and its dependent claims.

Independent claim 32

The amended independent claim 32 recites, *inter alia*, "storing information regarding a *field replaceable* unit of an *imaging* device in a radio frequency (RF) device coupled to the field replaceable unit; and powering the radio frequency (RF) device from the field replaceable unit of the imaging device."

The Mass reference does not teach or suggest a "field replaceable unit," as recited by amended claim 32. In contrast, the Mass reference teaches a telemetry module 135

coupled to an implantable device 105 (e.g., a cardiac rhythm management device). *See* Mass, FIG. 5; paragraph [0049]. Clearly, an implantable device 105 is not field replaceable, but rather it requires that the host be operated on in a controlled medical environment (e.g., a hospital) off the field. In other words, it would be improper to treat an implantable device 105 as something that could be replaced out in the field, e.g., in actual use within the host away from a laboratory, hospital, or the like. In view of this deficiency, among others, the Applicant stresses that the Mass reference does not teach or suggest the foregoing claim features.

In addition, the Mass reference does not teach or suggest a "field replaceable unit of an imaging device," as recited by amended claim 32. Again, the Mass reference teaches a telemetry module 135 coupled to an implantable device 105. *See* Mass, FIG. 5; paragraph [0049]. For example, the Mass reference describes the implantable device 105 as a pacemaker, a cardiac resynchronization therapy (CRT) device, a defibrillator, a pacer/defibrillator, or a drug delivery device. *See* Mass, paragraphs [0029] and [0031]. In view of this deficiency, among others, the Applicant stresses that the Mass reference does not teach or suggest the foregoing claim features.

As a result, the Mass reference cannot anticipate independent claim 32 and its dependent claims.

Rejection Under 35 U.S.C. § 103

The Examiner rejected claims 26 under 35 U.S.C. 103(a) as being unpatentable over Mass et al. in view of Claude et al. (U.S. Patent No. 5,562,621). Applicant respectfully traverses this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979).

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). Moreover, a statement that the proposed modification would have been "'well within the ordinary skill of the art'" based on individual knowledge of the claimed elements cannot be relied upon to establish a *prima facie* case of obviousness without some *objective reason to combine* the teachings of the references. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993); *In re Kotzab*, 217 F.3d 1365, 1371, 55 U.S.P.Q.2d. 1313, 1318 (Fed. Cir. 2000); *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 U.S.P.Q.2d. 1161 (Fed. Cir. 1999).

When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988). One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). The Federal Circuit has warned that the Examiner must not, "fall

victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." *In re Dembiczak*, F.3d 994, 999, 50 U.S.P.Q.2d 52 (Fed. Cir. 1999) (quoting *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)).

Independent claim 26

The amended independent claim 26 recites, *inter alia*, "activating an active radio frequency (RF) device having information regarding at least one of maintenance, installation, and manufacture of a *field replaceable* unit of a *medical imaging* device, wherein activating comprises powering the active RF device from the field replaceable unit of the medical imaging device; and receiving the information regarding the component via a transmission from the RF device."

The cited references, taken alone or in hypothetical combination, do not teach or suggest a "field replaceable unit," as recited by amended claim 26. In contrast, the Mass reference teaches a telemetry module 135 coupled to an implantable device 105 (e.g., a cardiac rhythm management device). *See* Mass, FIG. 5; paragraph [0049]. Clearly, an implantable device 105 is not field replaceable, but rather it requires that the host be operated on in a controlled medical environment (e.g., a hospital) off the field. In other words, it would be improper to treat an implantable device 105 as something that could be replaced out in the field, e.g., in actual use within the host away from a laboratory, hospital, or the like. Moreover, the Claude reference cannot obviate the deficiencies of the Mass reference. There is no teaching or suggestion to make the implantable device 105 of the Mass reference a field replaceable unit as recited by claim 26. Thus, the cited references, taken alone or in hypothetical combination, do not teach or suggest the foregoing claim features.

In addition, the cited references, taken alone or in hypothetical combination, do not teach or suggest a "field replaceable unit of a medical imaging device," as recited by

amended claim 26. Again, the Mass reference teaches a telemetry module 135 coupled to an implantable device 105. *See* Mass, FIG. 5; paragraph [0049]. For example, the Mass reference describes the implantable device 105 as a pacemaker, a cardiac resynchronization therapy (CRT) device, a defibrillator, a pacer/defibrillator, or a drug delivery device. *See* Mass, paragraphs [0029] and [0031]. Moreover, the Claude reference cannot obviate the deficiencies of the Mass reference. There is no teaching or suggestion to make the implantable device 105 of the Mass reference a part of a medical imaging device as recited by claim 26. Thus, the cited references, taken alone or in hypothetical combination, do not teach or suggest the foregoing claim features.

For these reasons, among others, the Applicant respectfully requests withdrawal of the foregoing rejection of claim 26.

New Claims

Applicant also hereby adds new claims 40-44, which recite a variety of features missing from the cited references, taken alone or in hypothetical combination. For example, new claim 40 recites "the field replaceable unit comprises a part of a medical imaging device." New claim 41 recites "a plurality of components, including the field replaceable unit, configured to cooperate with one another as part of the medical device, wherein each of the components comprises a RF transmission device." New claims 42, 43, and 44 recite the "device is configured to not broadcast during operation." The Applicant respectfully requests consideration and allowance of these new claims.

Conclusion

Applicant respectfully submits that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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